

Message Text

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TO SECSTATE WASHDC PRIORITY 5247

INFO USIA WASHDC PRIORITY

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C O N F I D E N T I A L SECTION 1 OF 2 BUDAPEST 0442

LIMDIS

E.O. 11652: GDS

TAGS: OEXC, HU

SUBJ: CULTURAL/SCIENTIFIC EXCHANGE AGREEMENT: ANALYSIS OF NEW
HUNGARIAN DRAFT AND RECOMMENDATIONS

REF: BUDAPEST 0401

1. THE NEW HUNGARIAN COUNTERDRAFT (BUDAPEST 0401) FOR THE PROPOSED CULTURAL/SCIENTIFIC EXCHANGE AGREEMENT DIFFERS SIGNIFICANTLY FROM THE U.S. DRAFT SUBMITTED TO THE GOH IN SEPTEMBER 1975. RECEIPT OF A NEW DRAFT WAS COMPLETELY UNEXPECTED INASMUCH AS ROSTA HAD IMPLIED TO MCAULIFFE DURING EARLIER NEGOTIATING SESSION (75 BUDAPEST 3909) THAT GOH WAS WILLING TO NEGOTIATE BASED ON U.S. DRAFT PROPOSAL.

2. FOLLOWING IS EMBASSY ANALYSIS OF HUNGARIAN COUNTERDRAFT, ALONG WITH RECOMMENDATIONS AND OPTIONS ON HOW TO PROCEED.

3. THE SUBSTANTIAL CHANGES IN THE HUNGARIAN COUNTERDRAFT WILL BE REVIEWED BELOW UNDER EIGHT CATEGORIES HEADED FROM A TO I. THE CHANGES INCLUDE:

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A. NEW LANGUAGE REFLECTING HUNGARIAN INTERESTS BASED

ON THE TEXT OF HELSINKI AGREEMENTS, SPECIFICALLY FROM BASKET III SECTION 3 ON COOPERATION AND EXCHANGE IN THE FIELD OF CULTURE. THIS INCLUDES:

-- FIRST SENTENCE OF PREAMBLE REFERRING TO IMPLEMENTATION OF FINAL ACT.

-- SECTION 1 AND SECTIONS 2B AND 2C WHICH HAVE NEW WORDING, AS WELL AS STRONGER WORDING IN SECTIONS 2A AND 2D OF ARTICLE 1 REF: QUOTE ENCOURAGE AND PROMOTE UNQUOTE THE EXCHANGE OF EXHIBITIONS, TRANSLATION AND PUBLICATION OF LITERARY WORKS, THE PRESENTATION OF PLAYS AND THE COMMERCIAL DISTRIBUTION OF FILMS.

B. REINSERTION OF SUBJECTS WHICH HAVE ALWAYS BEEN OF INTEREST TO GOH BUT HAVE NEVER BEEN ACCEPTABLE TO U.S., SUCH AS MUTUAL RECOGNITION OF DIPLOMAS AND QUOTE OBJECTIVE PRESENTATIONS OF THE OTHER COUNTRY IN TEXTBOOKS UNQUOTE. ARTICLE I PARA 5 AND 6.

C. THE ADDITION OF NEW AREAS NOT PREVIOUSLY MENTIONED IN ANY DRAFT, SUCH AS ENCOURAGEMENT OF SEPARATE AGREEMENTS IN THE FIELDS OF MEDICAL SCIENCE AND COOPERATION BETWEEN OTHER INSTITUTIONS OF BOTH COUNTRIES, ARTICLE III PARAS 4 AND 5.

D. REARRANGEMENT OF DRAFT TO ACCOMMODATE BOTH U.S. INSISTENCE THAT THERE BE ONLY ONE AGREEMENT AND HUNGARIAN DESIRE TO HAVE THREE SEPARATE QUOTE WORKING PLANS OR PROGRAM DOCUMENTS UNQUOTE, IN THE FIELDS OF CULTURE, SCIENCE AND TECHNICAL COOPERATION RESPECTIVELY. THIS WAS ACCOMPLISHED BY CONSOLIDATING ARTICLES II AND III OF U.S. DRAFT INTO HUNGARIAN ARTICLE II DEALING WITH SCIENTIFIC COOPERATION, AND PRODUCING A NEW ARTICLE III, WITH MUCH PARALLEL LANGUAGE TO DEAL WITH TECHNICAL COOPERATION.

E. OMISSION OF ARTICLE I PARA 2A OF U.S. DRAFT DEALING WITH INFORMATION QUESTION WHICH HAS BECOME SUBJECT OF SEPARATE AND PARALLEL TALKS BETWEEN EMBASSY AND MFA, AND OMISSION OF ARTICLE IV OF U.S. DRAFT DEALING WITH QUESTION OF TOURISM.

F. MODIFICATIONS OF SUBSTANTIVE NATURE OF SEVERAL SECTIONS OF U.S. DRAFT, TO WIT:

1. ARTICLE V WHICH PROPOSES ESTABLISHMENT OF HUNGARIAN-AMERICAN JOINT COMMISSION AND A MORE STRUCTURED FORM FOR ITS OPERATION, RATHER THAN THE CONFIDENTIAL

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MORE INFORMAL ARRANGEMENT PROPOSED BY ARTICLE V OF U.S. DRAFT.

2. ARTICLE VI WHICH READS SIGNIFICANTLY STRONGER IN HUNGARIAN DRAFT BY ADDITION OF SENTENCE QUOTE THE OBJECTIVES OF THIS AGREEMENT SHALL BE ACHIEVED THROUGH THE GOVERNMENT AGENCIES OF THE TWO PARTIES UNQUOTE.

3. ARTICLE VII WHICH IS A SOMEWHAT NARROWER WORDING THAN ARTICLE VII OF U.S. DRAFT ABOUT ADDITIONAL

EXCHANGES AND COOPERATION.

4. ARTICLE VIII WHICH PROPOSES THAT AGREEMENT BE FOR FIVE YEARS AND SELF-RENEWING IN CONTRAST TO ARTICLE VIII OF U.S. DRAFT WHICH PROPOSED TWO YEARS AND EXTENSION BY MUTUAL AGREEMENT.

5. ARTICLE I PARA 4 WHICH SUBSTANTIALLY REWORDS ARTICLE I PARA 2B OF U.S. DRAFT BY:

A) SUBSTITUTING WORDS QUOTE FACILITATE VISITS UNQUOTE FOR WORD ACCESS;

B) INSERTING WORD PUBLIC BEFORE WORD LIBRARY;

C) OMITTING REFERENCE TO CULTURAL CENTERS AND READING ROOMS;

D) ADDING QUOTE WITH RESPECT TO THE REGULATIONS IN FORCE IN THE RECEIVING COUNTRY UNQUOTE.

G. INCLUSION OF REFERENCES TO AGREEMENTS WITH IREX AND NAS, ARTICLE II PARA 3A AND 3B, IN CONTRAST TO U.S. POSITION THAT THESE REFERENCES BE INCLUDED ONLY IN PROGRAM DOCUMENTS AND NOT IN UMBRELLA AGREEMENT.

H. CHANGES OF AN ESSENTIALLY TECHNICAL BUT STILL SUBSTANTIVE NATURE IN THE WORDING OF ARTICLES II AND III SUCH AS:

A) SUBSTITUTING WORDS SOCIAL AND NATURAL SCIENCE FOR WORDS PURE SCIENCE USED IN U.S. DRAFT, AND INCLUDING LATTER UNDER CATEGORY OF APPLIED SCIENCE IN HUNGARIAN DRAFT;

B) MODIFICATION OF PREAMBLE TO ARTICLE II OF U.S. DRAFT INTO EXPANDED FORM OF PREAMBLE TO ARTICLE III OF HUNGARIAN DRAFT;

C) REFERENCES TO JOINT PRODUCTION OF SCIENTIFIC AND TECHNICAL FILMS, AND EXCHANGES OF TECHNICAL DOCUMENTS, BOOKS AND EXHIBITS INCLUDING THROUGH COMMERCIAL CHANNELS, ARTICLE III PARAS 2E, 2F AND 2G;

D) REFERENCE TO THE ELABORATION OF CONDITIONS FOR CONFIDENTIAL

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INDUSTRIAL COOPERATION, ARTICLE III PARA 2H.

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C O N F I D E N T I A L SECTION 2 OF 2 BUDAPEST 0442

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I. EDITORIAL CHANGES INCLUDING SOME OF SUBSTANTIVE IMPORTANCE SUCH AS:

- A) OMISSION OF WORD INFORMATION FROM ANY PLACE WHERE IT OCCURS IN U.S. DRAFT;
- B) OMISSION TO REFERENCES TO EXCHANGES BETWEEN INDIVIDUALS WHEREVER IT OCCURS IN U.S. DRAFT;
- C) OMISSION OF WORD EXCHANGES FROM PREAMBLE BUT NOT RPT NOT FROM OTHER PORTIONS OF U.S. DRAFT, POSSIBLY WITH INTENT TO MAKE PREAMBLE MORE SIMILAR TO WORDING OF CSCE FINAL ACT;
- D) ARTICLE I PARA 1G OF U.S. DRAFT ON SUBJECT OF EXCHANGES IN SPORTS BECAME ARTICLE IV OF HUNGARIAN DRAFT.

4. COMMENT: WITH THE EXCEPTION OF OMISSIONS LISTED IN PARA 3 SECTION E ABOVE, ALL COMPONENTS OF U.S. DRAFT ARE PRESENT IN HUNGARIAN COUNTERDRAFT, WITH THE MODIFICATIONS AND REARRANGEMENTS OUTLINED. THIS PORTION OF THE HUNGARIAN DRAFT CAN PROBABLY BE RECONCILED WITH U.S. DRAFT THROUGH NEGOTIATIONS, AS COULD SOME OF THE EDITORIAL AND TECHNICAL CHANGES.
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5. THE MAIN ISSUE ABOUT THE HUNGARIAN DRAFT, HOWEVER, IS THAT IN SEVERAL AREAS IT INCLUDES NEW PROPOSALS WHICH GO BEYOND WHAT U.S. HAS IN MIND AND IN SOME CASES RAISES POINTS TO WHICH WE CANNOT POSSIBLY AGREE.

6. A PORTION OF THESE NEW PROPOSALS IS BASED ON HUNGARIAN INTERESTS FOR RECIPROCITY, SUCH AS PUBLICA-

TIONS OF BOOKS AND SHOWING OF FILMS AND PLAYS IN THE U.S., WHICH REST UPON LANGUAGE OF THE CSCE FINAL ACT. GOH MAY BE ENDEAVORING TO PLACE USG IN POSITION WHERE IT APPEARS THAT LATTER IS RESISTENT TO IMPLEMENTATION OF A HUNGARIAN INITIATIVE IN BASKET III AREA. THIS POINT CLEARLY HAS IMPLICATIONS BEYOND HUNGARY, AND IS LIKELY TO ARISE IN NEGOTIATIONS WITH BULGARIA AND CZECHOSLOVAKIA AS WELL. END COMMENT.

7. POSSIBLE COURSES OF ACTION:

A) BREAK OFF NEGOTIATIONS: SINCE HUNGARIANS HAVE DALLIED AND HAVE BELATEDLY AND UNEXPECTEDLY PUT FORWARD COUNTERDRAFT CONTAINING SEVERAL ELEMENTS UNACCEPTABLE TO USG WHICH WERE NEVER PREVIOUSLY DISCUSSED, DEPARTMENT WOULD INSTRUCT MCAULIFFE TO BREAK OFF NEGOTIATIONS. HOWEVER, MCAULIFFE WOULD NOT RPT NOT ADVISE GOH OF WASHINGTON'S DECISION UNTIL EMBASSY HAS TAKEN PHYSICAL POSSESSION OF FONOFF NOTE (PROMISED BY DEPFONMIN NAGY ON JANUARY 27 -- BUDAPEST 0285) LIFTING ALL DISCRIMINATORY RESTRICTIONS AGAINST USG INFORMATIONAL ACTIVITIES IN HUNGARY.

B) DRAG OUT NEGOTIATIONS: EMBASSY PAO WOULD ADVISE KKI THAT LATEST HUNGARIAN COUNTERDRAFT CAME AS DISTINCT SURPRISE AND HAS RAISED MANY NEW ISSUES WHICH HAD NOT EVEN BEEN DISCUSSED. USG NOW CAREFULLY ANALYZING LATEST HUNGARIAN PROPOSALS AND WISHES EXPLORE EACH AND EVERY ONE OF THEM IN DEPTH. THIS DETAILED EXAMINATION CAN BEST BE HANDLED BY JOINT WORKING GROUP OF APO AND DPAO ON AMERICAN SIDE WITH THEIR HUNGARIAN OPPOSITES. HOWEVER, AMERICAN CULTURAL EXPERTS IN WASHINGTON ARE UNFORTUNATELY OVERBURDENED BY LABORS ON ACTIVE NEGOTIATIONS WITH MANY OTHER COUNTRIES ON CULTURAL EXCHANGE AGREEMENTS WHICH HAVE FAR BRIGHTER PROSPECTS OF QUICK AND SUCCESSFUL COMPLETION THAN HUNGARIAN ONE. EMBASSY THEREFORE PROPOSES THAT JOINT CONFIDENTIAL

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US-HUNGARIAN WORKING GROUP INITIATE ITS WORK ON TUESDAY, MAY 4 AND MEET WEEKLY ON SUCCESSIVE TUESDAYS THEREAFTER UNTIL IT HAS FINISHED ITS DISCUSSIONS. ONCE AGAIN PAO WOULD NOT RPT NOT PUT THIS SUGGESTION TO KKI UNTIL EMBASSY HAS ACTUALLY RECEIVED FONOFF NOTE LIFTING INFORMATIONAL RESTRICTIONS. (EMBASSY BUDAPEST RECOGNIZES THAT THIS TACTIC IMPLIES THAT U.S. AND BULGARIA WILL IN ALL LIKELIHOOD CONCLUDE CULTURAL AGREEMENT BEFORE U.S. AND HUNGARY DO SO; AND THAT PROSPECT IS NOT AT ALL DISTURBING.)

C) ACCELERATE NEGOTIATIONS: GIVEN INCREDIBLE INEFFICIENCY OF KKI, IT IS JUST POSSIBLE THAT MAGYAR CULTURAL BUFFS -- VICTIMS OF THEIR OWN INEPTITUDE -- ARE FLOUNDERING, WHILE SENIOR LEVEL HUNGARIANS WOULD GENUINELY LIKE TO SEE CULTURAL AGREEMENT CONCLUDED. THEREFORE, WITH A VIEW TO TESTING GOH'S TRUE INTENTIONS,

IT MAY BE IN U.S. INTEREST PROMPTLY TO EDIT AND RE-SHAPE HUNGARIAN COUNTERDRAFT (BUDAPEST 0401) -- ELIMINATING EVERY OBJECTIONABLE ELEMENT AND PHRASE -- AND THEN PUT FORWARD THAT U.S. COUNTERDRAFT JUST AS QUICKLY AS IS HUMANLY POSSIBLE. (EMBASSY PAO NOW AT WORK WITH BLUE PENCIL AND PRODUCT OF HIS EFFORTS WILL FOLLOW SEPTEL.) HOWEVER, IF WASHINGTON FAVORS THIS THIRD COURSE (OR SOME VARIANT) EMBASSY STILL STRONGLY RECOMMENDS THAT U.S. DELAY SUBMISSION AMERICAN COUNTERDRAFT UNTIL WE HAVE RECEIVED FONOFF NOTE DOING AWAY WITH INFORMATION RESTRICTIONS. EMBASSY ALSO FIRMLY BELIEVES THAT, BEFORE DELIVERING COUNTERDRAFT, WE SHOULD SEEK AND OBTAIN KKI'S AGREEMENT (1) TO ESTABLISHMENT OF JOINT DRAFTING GROUP TO MEET AT LEAST WEEKLY TO DEVELOP MUTUALLY ACCEPTABLE LANGUAGE AND (2) TO FIXING A DEADLINE BY WHICH JOINT DRAFTING GROUP SHOULD WORK OUT MUTUALLY ACCEPTABLE LANGUAGE OR COME UP WITH CLEAR SPLIT.

8. ACTION REQUESTED: EMBASSY RECOMMENDS THAT IT BE AUTHORIZED TO IMPLEMENT TACTIC OUTLINED PARA 7(B) -- DRAG OUT NEGOTIATIONS; AND THAT EMBASSY BE FURTHER AUTHORIZED TO ADOPT, WHEN SUITABLE OPPORTUNITY PRESENTS ITSELF, TACTIC OUTLINED PARA 7(C) -- ACCELERATE NEGOTIATIONS.
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